

**NOTICE OF THE MOTION OF GEOFFREY LOGUE AND MID-ATLANTIC
CAPITAL FOUNDATION (A) FOR CONTEMPT, (B) FOR DECLARATION THAT
DOCUMENTS PRODUCED IN RESPONSE TO SUBPOENAS *DUCES TECUM*
ARE NOT-PRIVILEGED, AND (C) TO COMPEL THE PRODUCTION
OF ADDITIONAL IMPROPERLY WITHHELD DOCUMENTS**

PLEASE TAKE NOTICE that upon the accompanying (i) motion, (ii) memorandum of law in support of the motion, and (iii) declaration of Norman N. Kinel, with exhibits (collectively, the “Motion”), the undersigned counsel for Geoffrey Logue and Mid-Atlantic Capital Foundation (together, “Movants”), will move this Court, before an assigned United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), located at The Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on a date to be set by the Bankruptcy Court (the “Hearing”), for the entry of an Order, pursuant to Rules 37(a)(2), 45(d)(2)(B) and 45(e) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rules 9014(c) and 9016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), 28 U.S.C. § 1927, and the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”): (i) holding Jones Day, Jennifer O’Neil and Lisa Laukitis (together, the “Jones Day Respondents”) in contempt for failing to comply with subpoenas *duces tecum* served upon each of them, (ii) declaring all documents that have already been produced by the Jones Day Respondents in response to the subpoenas as not privileged, (iii) requiring the Jones Day Respondents to produce additional documents responsive to the subpoenas, and (iv) requiring the Jones Day Respondents, respondent Douglas M. Evans, Successor Trustee of the Complete Retreats Liquidating Trust, and/or their counsel, to reimburse Movants for the costs, expenses, and attorneys’ fees incurred in connection with this proceeding.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the Motion must: (a) be in writing, (b) state with particularity the grounds therefor, (c) shall conform to the Bankruptcy Rules and the Local Rules, and (d) shall be filed with the Bankruptcy Court electronically by registered users of the Bankruptcy Court’s case filing system and, by all other

parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect or any other Windows-based word processing format (in either case, with a hard copy delivered directly to the Chambers of the assigned United States Bankruptcy Judge); and shall be served upon counsel for Movants, Lowenstein Sandler PC, 1251 Avenue of the Americas, 18th Floor, New York, New York 10020, Attn: Norman N. Kinel, Esq., in accordance with the Local Rules.

PLEASE TAKE FURTHER NOTICE that if you fail to respond to the Motion in accordance with this Notice, the Bankruptcy Court may grant the relief requested by the Motion without further notice or holding the Hearing.

Dated: New York, New York
November 4, 2011

LOWENSTEIN SANDLER PC

/s/ Norman N. Kinel
Norman N. Kinel
Terence D. Watson
1251 Avenue of the Americas, 18th Floor
New York, NY 10020
(212) 262-6700 (Telephone)
(212) 262-7402 (Facsimile)
nkinel@lowenstein.com
tdwatson@lowenstein.com

WITHERS BERGMAN LLP

/s/ Brian Dunefsky
Brian Dunefsky
430 Park Avenue
New York, NY 10022
(212) 848-9800
Brian.Dunefsky@withers.us.com

*Attorneys for Movants Geoffrey Logue and
Mid-Atlantic Capital Foundation*